



April 3, 2015

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# ENGROSSED HOUSE BILL No. 1006

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DIGEST OF HB 1006 (Updated April 2, 2015 12:19 pm - DI 106)

**Citations Affected:** IC 11-12; IC 11-13; IC 12-23; IC 33-23; IC 33-38; IC 35-38.

**Synopsis:** Criminal justice funding. Permits the department of correction (department) to provide funding to a court for certain programs through a community corrections grant. Establishes the justice reinvestment advisory council to review and evaluate local corrections programs and the processes used to award grants. Requires the department to compile certain information and submit reports to the budget committee and justice reinvestment advisory council. Provides that counties or courts wishing to apply to the department for financial aid must apply through the community corrections advisory board. Specifies the purposes for which the department may award financial  
(Continued next page)

**Effective:** July 1, 2015.

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## Steuerwald, McMillin, Pierce, Lawson L

(SENATE SPONSORS — STEELE, YOUNG R MICHAEL, BRAY,  
RANDOLPH)

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January 15, 2015, read first time and referred to Committee on Judiciary.  
February 10, 2015, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.  
February 17, 2015, amended, reported — Do Pass.  
February 19, 2015, read second time, ordered engrossed. Engrossed.  
February 23, 2015, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 25, 2015, read first time and referred to Committee on Judiciary.  
March 19, 2015, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.  
April 2, 2015, amended, reported favorably — Do Pass.

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EH 1006—LS 7063/DI 107



## Digest Continued

aid. Permits a residential work release facility to be physically connected to a jail if total separation between the facilities is maintained. Repeals the county corrections fund that provides funding to each county for operation of the county's jail, jail programs, or other local correctional facilities or community based programs. Establishes the mental health and addiction forensic treatment services account within the statutes governing the division of mental health and addiction (division), rather than the statutes governing corrections (under current law). Provides that the division may use money in the account to fund grants and vouchers for mental health and addiction forensic treatment services. Requires a probation officer to consult with community corrections in preparing the presentence report. Permits a court to delegate the terms of placement in community corrections to the community corrections program director, and permits the director to change the terms of placement or reassign a person in community corrections. Permits the sheriff to receive a community corrections grant as a per diem or as reimbursement for the medical expenses of an incarcerated person. Provides that after January 1, 2016, a court may not commit a person convicted of a Level 6 felony to the department of correction, with certain exceptions.

**EH 1006—LS 7063/DI 107**



April 3, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1006

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A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 11-12-2-1, AS AMENDED BY P.L.168-2014,  
2       SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2015]: Sec. 1. (a) For the purpose of encouraging counties to  
4       develop a coordinated local corrections-criminal justice system and  
5       providing effective alternatives to imprisonment at the state level, the  
6       commissioner shall, out of funds appropriated for such purposes, make  
7       grants to counties for the establishment and operation of community  
8       corrections **programs and court supervised recidivism reduction**  
9       programs. Appropriations intended for this purpose may not be used by  
10      the department for any other purpose. Money appropriated to the  
11      department of correction for the purpose of making grants under this  
12      chapter and any financial aid payments suspended under section 6 of  
13      this chapter do not revert to the state general fund at the close of any  
14      fiscal year, but remain available to the department of correction for its  
15      use in making grants under this chapter.

**EH 1006—LS 7063/DI 107**



(b) Before March 1, 2015, the department shall estimate the amount of any operational cost savings that will be realized in the state fiscal year ending June 30, 2015, from a reduction in the number of individuals who are in the custody or made a ward of the department of correction (as described in IC 11-8-1-5) that is attributable to the sentencing changes made in HEA 1006-2014 as enacted in the 2014 session of the general assembly. The department shall make the estimate under this subsection based on the best available information. If the department estimates that operational cost savings described in this subsection will be realized in the state fiscal year ending June 30, 2015, the following apply to the department:

(1) The department shall certify the estimated amount of operational cost savings that will be realized to the budget agency and to the auditor of state.

(2) The department may, after review by the budget committee and approval by the budget agency, make additional grants as provided in this chapter to counties for the establishment and operation of community corrections programs **and court supervised recidivism reduction programs** from funds appropriated to the department for the department's operating expenses for the state fiscal year.

(3) The department may, after review by the budget committee and approval by the budget agency, transfer funds appropriated to the department for the department's operating expenses for the state fiscal year to the judicial conference of Indiana to be used by the judicial conference of Indiana to provide additional financial aid for the support of court probation services under the program established under IC 11-13-2.

(4) The maximum aggregate amount of additional grants and transfers that may be made by the department under subdivisions (2) and (3) for the state fiscal year may not exceed the lesser of:

(A) the amount of operational cost savings certified under subdivision (1); or

(B) eleven million dollars (\$11,000,000).

Notwithstanding P.L.205-2013 (HEA 1001-2013), the amount of funds necessary to make any additional grants authorized and approved under this subsection and for any transfers authorized and approved under this subsection, and for providing the additional financial aid to courts from transfers authorized and approved under this subsection, is appropriated for those purposes for the state fiscal year ending June 30, 2015, and the amount of the department's appropriation for operating expenses for the state fiscal year ending June 30, 2015, is reduced by



a corresponding amount. This subsection expires June 30, 2015.

(c) The commissioner shall give priority in issuing community corrections **and court supervised recidivism reduction program** grants to programs that provide alternative sentencing projects for persons with mental illness, addictive disorders, mental retardation, and developmental disabilities. **Grants awarded under this chapter must focus on funding evidence based programs, including programs that address cognitive behavior, that have as a primary goal the purpose of reforming offenders. Review of a grant application by the justice reinvestment advisory council is not required to receive a grant under this section.**

(d) Before the tenth day of each month, the department shall compile the following information with respect to the previous month:

- (1) The number of persons committed to the department.
- (2) The number of persons:
  - (A) confined in a department facility;
  - (B) participating in a community corrections program; and
  - (C) confined in a local jail under contract with or on behalf of the department.
- (3) For each facility operated by the department:
  - (A) the number of beds in each facility;
  - (B) the number of inmates housed in the facility;
  - (C) the highest felony classification of each inmate housed in the facility; and
  - (D) a list of all felonies for which persons housed in the facility have been sentenced.

(e) The department shall:

- (1) quarterly submit a report to the budget committee; and
- (2) monthly submit a report to the justice reinvestment advisory council (as established in IC 33-38-9.5-2);

**of the information compiled by the department under subsection (d). The report to the budget committee must be submitted in a form approved by the budget committee, and the report to the advisory council must be in a form approved by the advisory council.**

SECTION 2. IC 11-12-2-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3.5. (a) The **community corrections advisory board shall appoint a director if** any of the community corrections program, ~~shall be appointed by the community corrections advisory board;~~ subject to the approval of the



1 county executive or, in a county having a consolidated city, by the  
 2 city-county council. A director may be removed for cause by a majority  
 3 vote of the community corrections advisory board, subject to the  
 4 approval of the county executive or, in a county having a consolidated  
 5 city, of the city-county council.

6 (b) The community corrections advisory board may establish  
 7 personnel policies, procedures, and salary classification schedules for  
 8 its employees. Employees of a community corrections program are  
 9 county employees. The policies, procedures, and schedules established  
 10 under this subsection may not be inconsistent with those established for  
 11 other county employees.

12 SECTION 3. IC 11-12-2-4, AS AMENDED BY P.L.24-2014,  
 13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2015]: Sec. 4. (a) A county or group of counties, **or a court**  
 15 **or a group of courts**, seeking financial aid under this chapter must  
 16 apply to the commissioner **through the community corrections**  
 17 **advisory board**, in a manner and form prescribed by the  
 18 commissioner. **If the application is for a community corrections**  
 19 **program**, the application must include a community corrections plan  
 20 that has been approved by the community corrections board and the  
 21 county executive or, in a county having a consolidated city, by the  
 22 city-county council. **If the application is for a court supervised**  
 23 **recidivism reduction program, the application must include**  
 24 **information required by the department.** No county may **apply for**  
 25 **financial aid, except by applying through a community corrections**  
 26 **advisory board**, or receive financial aid until its application is  
 27 approved by the commissioner.

28 (b) A community corrections plan must comply with rules adopted  
 29 under section 5 of this chapter and must include:

- 30 (1) a description of each program for which financial aid is
- 31 sought;
- 32 (2) the purpose, objective, administrative structure, staffing, and
- 33 duration of the program;
- 34 (3) a method to evaluate each component of the program to
- 35 determine the overall use of department approved best practices
- 36 for the program;
- 37 (4) the program's total operating budget, including all other
- 38 sources of anticipated income;
- 39 (5) the amount of community involvement and client participation
- 40 in the program;
- 41 (6) the location and description of facilities that will be used in
- 42 the program;



(7) the manner in which counties that jointly apply for financial aid under this chapter will operate a coordinated community corrections program; and

(8) a plan of collaboration between the probation department and the community corrections program for the provision of community supervision for adult offenders. The community supervision collaboration plan must be submitted to the department and the Indiana judicial center by ~~July 1, 2017,~~ **January 1, 2016**, and must include:

(A) a description of the evidence based services provided to felony offenders by the community corrections program and the probation department;

(B) the manner in which the community corrections program and the probation department intend to reduce the duplication of services to offenders under community supervision;

(C) the manner in which the community corrections program and the probation department intend to coordinate operations and collaborate on the supervision of adult felony offenders;

(D) the eligibility criteria established for community based services provided to adult felony offenders;

(E) the criteria for using the community corrections program as an intermediate sanction for an offender's violation of probation conditions;

(F) a description of how financial aid from the department, program fees, and probation user fees will be used to provide services to adult felony offenders; and

(G) documentary evidence of compliance with department rules for community corrections programs and judicial conference of Indiana standards for probation departments.

(c) A community corrections plan must be annually updated, approved by the county executive or, in a city having a consolidated city, by the city-county council, and submitted to the commissioner.

(d) No amendment to or substantial modification of an approved community corrections plan may be placed in effect until the department and county executive, or in a county having a consolidated city, the city-county council, have approved the amendment or modification.

(e) A copy of the final plan as approved by the department shall be made available to the board in a timely manner.

(f) The commissioner may, subject to availability of funds, give priority in issuing additional financial aid to counties with a community supervision collaboration plan approved by the department and the



Indiana judicial center. The additional financial aid may be used for any evidence based service or program in the approved plan.

**(g) Purposes for which the commissioner may award financial aid under this chapter include:**

- (1) assisting a county in defraying the expenses of incarceration;**
- (2) funding mental health, addiction, and cognitive behavior treatment programs for incarcerated persons;**
- (3) funding mental health, addiction, and cognitive behavior treatment programs for persons who are on probation or are supervised by a community corrections program;**
- (4) funding work release programs; and**
- (5) reimbursing a county for probation officer and community correction officer salaries.**

SECTION 4. IC 11-12-2-5, AS AMENDED BY P.L.105-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The department shall do the following:

- (1) Provide consultation and technical assistance to counties to aid in the development of community corrections plans.
- (2) Provide training for community corrections personnel and board members to the extent funds are available.
- (3) Adopt under IC 4-22-2 rules governing application by counties **and courts** for financial aid under this chapter, including the content of community corrections plans.
- (4) Adopt under IC 4-22-2 rules governing the disbursement of monies to a county and the county's certification of expenditures.
- (5) Adopt under IC 4-22-2 minimum standards for the establishment, operation, and evaluation of programs receiving financial aid under this chapter. (These standards must be sufficiently flexible to foster the development of new and improved correctional practices.)
- (6) Examine and either approve or disapprove applications for financial aid. The department's approval or disapproval must be based on this chapter and the rules adopted under this chapter.
- (7) Keep the budget agency informed of the amount of appropriation needed to adequately fund programs under this chapter.
- (8) Adopt under IC 4-22-2 a formula or other method of determining a participating county's share of funds appropriated for purposes of this chapter. This formula or method must be approved by the budget agency before the formula is adopted and must be designed to accurately reflect a county's correctional





needs and ability to pay.

(9) Keep counties informed of money appropriated for the purposes of this chapter.

(10) Provide an approved training curriculum for community corrections field officers.

(11) Require community corrections programs to submit in proposed budget requests an evaluation of the use of department approved best practices for each community corrections program component.

(b) The commissioner may do the following:

(1) Visit and inspect any program receiving financial aid under this chapter.

(2) Require a participating county or program to submit information or statistics pertinent to the review of applications and programs.

(3) Expend up to three percent (3%) of the money appropriated to the department for community correction grants to provide technical assistance, consultation, and training to counties and to monitor and evaluate program delivery.

(c) Notwithstanding any law prohibiting advance payments, the department of correction may advance grant money to a county or group of counties in order to assist a community corrections program. However, not more than twenty-five percent (25%) of the amount awarded to a county or group of counties may be paid in advance.

(d) The commissioner shall disburse no more funds to any county **or court** under this chapter than are required to fund the community corrections plan **or court supervised recidivism reduction program**.

SECTION 5. IC 11-12-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) Counties may not use funds received under this chapter to construct or renovate county jails.

(b) Counties acting jointly may use funds received under this chapter **to pay per diem housing and medical expenses for offenders supervised by the sheriff, to reimburse the county for the costs of probation officer and community corrections officer and employee salaries, and** to construct a county operated residential work release facility, if the facility is not

~~(1) physically connected to a jail; or~~

~~(2) used to house offenders who are required to serve their sentence in a county jail.~~

(c) The department may provide funds under this chapter for the construction of a facility under subsection (b) in an amount that does



1 not exceed fifty percent (50%) of the cost of construction of the facility.  
2 The funds provided under this subsection may not be used for any  
3 purpose other than the construction of the facility.

4 (d) The counties acting under subsection (b) shall provide the funds  
5 required for:

6 (1) the construction of the facility in addition to the funds  
7 provided by the department under subsection (c);

8 (2) the operation of the facility; and

9 (3) the administration of the community corrections program.

10 (e) A residential work release facility constructed under subsection  
11 (b) may not be used for any purpose other than the operation of a  
12 community corrections program during the ten (10) year period  
13 following the completion of construction.

14 **(f) A residential work release facility may be physically**  
15 **connected to a jail if the following conditions are met:**

16 **(1) Total separation between community corrections and jail**  
17 **facility spatial areas so that there could be no haphazard or**  
18 **accidental contact among community corrections work**  
19 **release residents and jail inmates in the respective facilities.**  
20 **If space is used for both community corrections work release**  
21 **residents and jail inmates, time-phasing of the use is**  
22 **acceptable if the arrangement precludes haphazard or**  
23 **accidental contact among community corrections residents**  
24 **and jail inmates at all times. Sleeping or other living areas**  
25 **may not be shared under any circumstances.**

26 **(2) Total separation in all community corrections work**  
27 **release and jail inmate program activities within the facilities,**  
28 **including recreation, education, counseling, health care,**  
29 **dining, sleeping, and general living activities. Program**  
30 **activities may not be shared by community corrections work**  
31 **release residents and jail inmates. However, program space,**  
32 **equipment, and other resources may be used by both**  
33 **community corrections work release residents and jail**  
34 **inmates subject to subdivision (1).**

35 **(3) The administration and security functions of the**  
36 **community corrections work release program must be vested**  
37 **in separate staff who, if the staff serve both populations, are**  
38 **trained to serve a community corrections work release**  
39 **population. Security and other direct care staff may not be**  
40 **used to serve the jail at the same time or during the same tour**  
41 **of duty that security and other direct care staff serve in the**  
42 **community corrections work release facility. Specialized**



services staff, such as cooks, bookkeepers, and medical professionals who are not normally in contact with detainees or whose infrequent contact occurs under conditions of separation of community corrections work release residents and jail inmates, may serve both populations.

(4) The facility meets state standards and licensing requirements as provided in rules adopted by the department of correction. The architectural and operational configuration of the community corrections work release facility must assure total separation.

SECTION 6. IC 11-12-3.8-4 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 4: (a) As used in this section, "account" refers to the mental health and addiction forensic treatment services account established in subsection (b):

(b) The mental health and addiction forensic treatment services account is established for the purpose of providing grants or vouchers for the provision of mental health and addiction forensic treatment services. The account shall be administered by the division of mental health and addiction. Money in the account shall be used to fund grants and vouchers under this chapter:

(c) The account consists of:

- (1) appropriations made by the general assembly;
- (2) grants; and
- (3) gifts and bequests.

(d) The expenses of administering the account shall be paid from money in the account.

(e) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(f) Money in the account at the end of a state fiscal year does not revert to the state general fund.

SECTION 7. IC 11-12-6 IS REPEALED [EFFECTIVE JULY 1, 2015]. (County Corrections Fund).

SECTION 8. IC 11-13-1-8, AS AMENDED BY P.L.147-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) As used in this section, "board" refers to the board of directors of the judicial conference of Indiana established by IC 33-38-9-3.

(b) The board shall adopt rules consistent with this chapter, prescribing minimum standards concerning:

- (1) educational and occupational qualifications for employment



- as a probation officer;
- (2) compensation of probation officers;
- (3) protection of probation records and disclosure of information contained in those records;
- (4) presentence investigation reports;
- (5) a schedule of progressive probation incentives and violation sanctions, including judicial review procedures; and
- (6) qualifications for probation officers to administer probation violation sanctions under IC 35-38-2-3(e).

(c) The conference shall prepare a written examination to be used in establishing lists of persons eligible for appointment as probation officers. The conference shall prescribe the qualifications for entrance to the examination and establish a minimum passing score and rules for the administration of the examination after obtaining recommendations on these matters from the probation standards and practices advisory committee. The examination must be offered at least once every other month.

(d) The conference shall, by its rules, establish an effective date for the minimum standards and written examination for probation officers.

(e) The conference shall provide probation departments with training and technical assistance for:

- (1) the implementation and management of probation case classification; and
- (2) the development and use of workload information.

The staff of the Indiana judicial center may include a probation case management coordinator and probation case management assistant.

(f) The conference shall, in cooperation with the department of child services and the department of education, provide probation departments with training and technical assistance relating to special education services and programs that may be available for delinquent children or children in need of services. The subjects addressed by the training and technical assistance must include the following:

- (1) Eligibility standards.
- (2) Testing requirements and procedures.
- (3) Procedures and requirements for placement in programs provided by school corporations or special education cooperatives under IC 20-35-5.
- (4) Procedures and requirements for placement in residential special education institutions or facilities under IC 20-35-6-2 and 511 IAC 7-27-12.
- (5) Development and implementation of individual education programs for eligible children in:



- 1 (A) accordance with applicable requirements of state and  
 2 federal laws and rules; and  
 3 (B) coordination with:  
 4 (i) individual case plans; and  
 5 (ii) informal adjustment programs or dispositional decrees  
 6 entered by courts having juvenile jurisdiction under  
 7 IC 31-34 and IC 31-37.  
 8 (6) Sources of federal, state, and local funding that is or may be  
 9 available to support special education programs for children for  
 10 whom proceedings have been initiated under IC 31-34 and  
 11 IC 31-37.  
 12 Training for probation departments may be provided jointly with  
 13 training provided to child welfare caseworkers relating to the same  
 14 subject matter.  
 15 (g) The conference shall, in cooperation with the division of mental  
 16 health and addiction (IC 12-21) and the division of disability and  
 17 rehabilitative services (IC 12-9-1), provide probation departments with  
 18 training and technical assistance concerning mental illness, addictive  
 19 disorders, mental retardation, and developmental disabilities, **including**  
 20 **evidence based treatment programs for mental illness and**  
 21 **addictive disorders.**  
 22 (h) The conference shall make recommendations to courts and  
 23 probation departments concerning:  
 24 (1) selection, training, distribution, and removal of probation  
 25 officers;  
 26 (2) methods and procedure for the administration of probation,  
 27 including investigation, supervision, workloads, record keeping,  
 28 and reporting; and  
 29 (3) use of citizen volunteers and public and private agencies.  
 30 (i) The conference may delegate any of the functions described in  
 31 this section to the advisory committee or the Indiana judicial center.  
 32 SECTION 9. IC 11-13-1-10 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. The judicial  
 34 conference of Indiana may arrange conferences or workshops for  
 35 probation officers and judges administering probation in order to  
 36 enhance knowledge about and improve the delivery of probation  
 37 services. **The judicial conference of Indiana may arrange joint**  
 38 **conferences or workshops for probation officers, judges**  
 39 **administering probation, and community corrections officers and**  
 40 **employees in order to enhance knowledge about, coordinate, and**  
 41 **improve the delivery of probation and community corrections**  
 42 **services.** The expenses of probation officers and judges incurred in



1 attending these conferences or workshops shall be paid in the same  
 2 manner as other expenses are paid in the courts in which they serve.  
 3 **The expenses of community corrections community corrections**  
 4 **officers and employees may be paid by the county in the same**  
 5 **manner as other county employee expenses are paid.**

6 SECTION 10. IC 12-23-19 IS ADDED TO THE INDIANA CODE  
 7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2015]:

9 **Chapter 19. Mental Health and Addiction Forensic Treatment**  
 10 **Services Grants**

11 **Sec. 1. As used in this chapter, "mental health and addiction**  
 12 **forensic treatment services" means evidence based treatment and**  
 13 **recovery wraparound support services provided to individuals who**  
 14 **have entered the criminal justice system as a felon or with a prior**  
 15 **felony conviction or who have been placed or are eligible to be**  
 16 **placed in a community corrections program as an alternative to**  
 17 **commitment to the department of correction. The term includes:**

- 18 (1) mental health and substance abuse treatment, including:
  - 19 (A) addiction counseling;
  - 20 (B) inpatient detoxification; and
  - 21 (C) medication assisted treatment, including a federal Food
  - 22 and Drug Administration approved long acting,
  - 23 nonaddictive medication for the treatment of opioid or
  - 24 alcohol dependence;
- 25 (2) vocational services;
- 26 (3) housing assistance;
- 27 (4) community support services;
- 28 (5) care coordination; and
- 29 (6) transportation assistance.

30 **Sec. 2. (a) An individual is eligible for mental health and**  
 31 **addiction forensic treatment services if:**

- 32 (1) the individual:
  - 33 (A) is a member of a household with an annual income that
  - 34 does not exceed two hundred percent (200%) of the federal
  - 35 income poverty level;
  - 36 (B) is a resident of Indiana;
  - 37 (C) is at least eighteen (18) years of age; and
  - 38 (D) has entered the criminal justice system as a felon or
  - 39 with a prior felony conviction; and
- 40 (2) subject to subsection (b), reimbursement for the service is
- 41 not available to the individual through any of the following:
  - 42 (A) A policy of accident and sickness insurance (IC 27-8-5).



1 (B) A health maintenance organization contract (IC 27-13).

2 (C) The Medicaid program (IC 12-15).

3 (D) The federal Medicare program or any other federal  
4 assistance program.

5 (b) If an individual is not entitled to reimbursement from the  
6 sources described in subsection (a)(2) of the full amount of the cost  
7 of the mental health forensic treatment services, grants and  
8 vouchers under this chapter may be used to provide those services  
9 to the extent that the costs of those services exceed the  
10 reimbursement the individual is entitled to receive from the  
11 sources described in subsection (a)(2), excluding any copayment or  
12 deductible that the individual is required to pay.

13 (c) The division shall determine the extent to which an  
14 individual who is provided mental health forensic treatment  
15 services under this chapter is entitled to receive reimbursement  
16 from the sources described in subsection (a)(2).

17 Sec. 3. Mental health and addiction forensic treatment services  
18 may be administered or coordinated only by a provider certified by  
19 the division of mental health and addiction.

20 Sec. 4. (a) The following definitions apply throughout this  
21 section:

22 (1) "Account" refers to the mental health and addiction  
23 forensic treatment services account established by subsection

24 (b).

25 (2) "Treatment for addiction" includes:

26 (A) addiction counseling;

27 (B) inpatient detoxification; and

28 (C) medication assisted treatment, including United States  
29 Food and Drug Administration approved long acting,  
30 nonaddictive medications for treatment of opioid and  
31 alcohol dependence.

32 (b) The mental health and addiction forensic treatment services  
33 account is established for the purpose of providing grants or  
34 vouchers for the provision of mental health and addiction forensic  
35 treatment services. The account shall be administered by the  
36 division. The division may use money in the account only to fund  
37 grants and vouchers under this chapter that are provided to the  
38 following:

39 (1) Community corrections programs.

40 (2) Court administered programs.

41 (3) Probation programs.

42 (4) Community mental health centers.



(5) Certified or licensed mental health or addiction providers. Grants and vouchers must provide for individual assessments and treatment programs, including intervention, evidence based programs, and other programs that address cognitive behavior. Funding must be focused on reforming offenders.

(c) The division shall give priority in awarding funding to programs that provide evidence based treatment for:

- (1) mental health and addiction; or
- (2) cognitive behavior intervention;

directly to an individual.

(d) Mental health and addiction services funded under this section must be administered or coordinated by a provider certified or licensed by the division of mental health and addiction to provide mental health or substance abuse treatment. A certified or licensed provider may contract with other licensed professionals to provide additional services funded under this section.

(e) Cognitive behavioral interventions funded under this section must:

- (1) be designed to reduce recidivism; and
- (2) include cognitive restructuring, social skills, and problem solving.

(f) The account consists of:

- (1) appropriations made by the general assembly;
- (2) grants; and
- (3) gifts and bequests.

(g) The expenses of administering the account shall be paid from money in the account.

(h) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(i) Money in the account at the end of a state fiscal year does not revert to the state general fund.

Sec. 5. In the case of an individual who is provided mental health forensic treatment services under this chapter, the division is subrogated to the rights of the individual under any policy, contract, or program described in section 2(a)(2) of this chapter with respect to reimbursement under the policy, contract, or program for mental health forensic treatment services.

Sec. 6. The division shall survey individuals receiving mental health forensic treatment services under this chapter. The division shall survey such an individual one (1) year after the individual





1 begins receiving the services. The survey must request information  
2 concerning:

- 3 (1) the employment status of the individual since the
- 4 individual began receiving the services; and
- 5 (2) whether the individual has been arrested, convicted of a
- 6 crime, alleged to have violated probation, or placed in a
- 7 community corrections program as an alternative to
- 8 commitment to the department of correction since the
- 9 individual began receiving the services.

10 Sec. 7. During the year after an individual begins receiving  
11 mental health forensic treatment services under this chapter, the  
12 division shall work jointly with the department of workforce  
13 development to coordinate employment and training services for  
14 the individual.

15 Sec. 8. The division shall semiannually submit a report to the  
16 justice reinvestment advisory council (as established in  
17 IC 33-38-9.5-2), in a manner and format approved by the advisory  
18 council. The report must include the following information for the  
19 previous six (6) months:

- 20 (1) The amount of grants and vouchers paid from the account.
- 21 (2) A list of all entities that received a grant, the amount of the
- 22 grant, and a brief description of the purpose of the grant.
- 23 (3) The number of people who received treatment funded, in
- 24 whole or in part, by a grant.

25 SECTION 11. IC 33-23-16-22, AS ADDED BY P.L.108-2010,  
26 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2015]: Sec. 22. (a) The costs of a problem solving court may,  
28 at the discretion of the fiscal body of the unit, be supplemented out of  
29 the city general fund or the county general fund and may be further  
30 supplemented by payment from the user fee fund upon appropriation  
31 made under IC 33-37-8.

32 (b) A problem solving court may apply for and receive the  
33 following:

- 34 (1) Gifts, bequests, and donations from private sources.
- 35 (2) Grants and contract money from governmental sources.
- 36 (3) Other forms of financial assistance approved by the court to
- 37 supplement the problem solving court's budget.

38 (c) A court wishing to establish a problem solving court,  
39 including a veterans court, may apply to the judicial center for  
40 financial assistance. The judicial center may provide financial aid  
41 to establish the court from funds appropriated to the judicial  
42 center for that purpose.



SECTION 12. IC 35-38-1-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8.5. (a) A probation officer who is conducting a presentence investigation shall send written notification of the following to each victim or each victim representative designated by the court under section 2(e) of this chapter:

(1) The date, time, and place of the sentencing hearing set by the court.

(2) The right of the victim or victim representative to make an oral or written statement to the court at the sentencing hearing.

(3) The right of the victim or victim representative to submit or refuse to submit to the probation officer a written or oral statement of the impact of the crime upon the victim for inclusion by the probation officer in a victim impact statement.

(b) The notification required by subsection (a) must be sent at least seven (7) days before the date of the sentencing hearing to the last known address of the victim or the victim representative.

(c) The probation officer shall prepare a victim impact statement for inclusion in the convicted person's presentence report. The victim impact statement consists of information about each victim and the consequences suffered by a victim or a victim's family as a result of the crime.

**(d) The probation officer shall consult with a community corrections program officer or employee (if there is a community corrections program in the county) while preparing the presentence report.**

~~(d)~~ **(e)** Unless the probation officer certifies to the court under section 9 of this chapter that a victim or victim representative could not be contacted or elected not to submit a statement to the probation officer concerning the crime, the victim impact statement required under this section must include the following information about each victim:

(1) A summary of the financial, emotional, and physical effects of the crime on the victim and the victim's family.

(2) Personal information concerning the victim, excluding telephone numbers, place of employment, and residential address.

(3) Any written statements submitted by a victim or victim representative to the probation officer.

(4) If the victim desires restitution, the basis and amount of a request for victim restitution.

~~(e)~~ **(f)** A victim or victim representative is not required to submit a statement or to cooperate in the preparation of the victim impact



statement required under this section.

SECTION 13. IC 35-38-2.6-3, AS AMENDED BY P.L.173-2006, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The court may, at the time of sentencing, suspend the sentence and order a person to be placed in a community corrections program as an alternative to commitment to the department of correction. The court may impose reasonable terms on the placement **or require the director of the community corrections program to impose reasonable terms on the placement.** A court shall require a person:

- (1) convicted of an offense described in IC 10-13-6-10;
- (2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and
- (3) whose sentence does not involve a commitment to the department of correction;

to provide a DNA sample as a term of placement.

(b) Placement in a community corrections program under this chapter is subject to the availability of residential beds or home detention units in a community corrections program.

(c) A person placed under this chapter is responsible for the person's own medical care while in the placement program.

(d) Placement under this chapter is subject to the community corrections program receiving a written presentence report or memorandum from a county probation agency.

SECTION 14. IC 35-38-2.6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. If a person who is placed under this chapter violates the terms of the placement, the ~~court~~ **community corrections director** may ~~after a hearing~~ do any of the following:

- (1) Change the terms of the placement.
- (2) Continue the placement.
- (3) Reassign a person assigned to a specific community corrections program to a different community corrections program.**
- ~~(4)~~ **(4) Request that the court** revoke the placement and commit the person to the **county jail or** department of correction for the remainder of the person's sentence.

**The community corrections director shall notify the court if the director changes the terms of the placement, continues the placement, or reassigns the person to a different program.**

SECTION 15. IC 35-38-3-3, AS AMENDED BY P.L.168-2014, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2015]: Sec. 3. (a) Except as provided by subsection (b), a person convicted of a misdemeanor may not be committed to the department of correction.

(b) Upon a request from the sheriff, the commissioner may agree to accept custody of a misdemeanor:

(1) if placement in the county jail:

(A) places the inmate in danger of serious bodily injury or death; or

(B) represents a substantial threat to the safety of others;

(2) for other good cause shown; or

(3) if a person has more than five hundred forty-seven (547) days remaining before the person's earliest release date as a result of consecutive misdemeanor sentences.

(c) After June 30, 2014, and before ~~July 1, 2015~~, **January 1, 2016**, a court may not commit a person convicted of a Level 6 felony to the department of correction if the person's earliest possible release date is less than ninety-one (91) days from the date of sentencing, unless the commitment is due to the person violating a condition of probation, parole, or community corrections by committing a new criminal offense.

(d) After ~~June 30, 2015~~, **December 31, 2015**, a court may not commit a person convicted of a Level 6 felony to the department of correction, ~~if the person's earliest possible release date is less than three hundred sixty-six (366) days from the date of sentencing~~, unless:

(1) the commitment is due to the person violating a condition of probation, parole, or community corrections by committing a new criminal offense; or

(2) the person is convicted of:

(A) at least two (2) Level 6 felonies that are ordered to be served consecutively; or

(B) a Level 6 felony that is enhanced by an additional fixed term under IC 35-50-2-8 through IC 35-50-2-16;

and the person's earliest possible release date is more than three hundred sixty-five (365) days after the date of sentencing.

**A person who may not be committed to the department of correction may be placed on probation, committed to the county jail, or placed in community corrections for assignment to an appropriate community corrections program.**

(e) After June 30, 2014, and before **January 1, 2016**, a sheriff is entitled to a per diem and medical expense reimbursement as described in P.L.205-2013, SECTION 4 for the cost of incarcerating a person



described in subsections (c) and (d) in a county jail. The sheriff is entitled to a per diem and medical expense reimbursement only for the time that the person described in subsections (c) and (d) is incarcerated in the county jail. The reimbursement:

- (1) shall be reviewed by the budget committee; and
- (2) is subject to approval by the budget agency.

**(f) After December 31, 2015, a sheriff is entitled to a per diem and medical expense reimbursement in the form of a grant from community corrections for the cost of incarcerating a person described in subsections (c) and (d) in a county jail. The sheriff is entitled to a per diem and medical expense reimbursement only for the time that the person described in subsections (c) and (d) is incarcerated in the county jail.**

SECTION 16. IC 33-38-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. The judicial conference shall do the following:

- (1) Promote an exchange of experience and suggestions regarding the operation of Indiana's judicial system.
- (2) Promote the continuing education of judges.
- (3) Seek to promote a better understanding of the judiciary.
- (4) Act as administrator for probationers participating in the interstate compact for the supervision of parolees and probationers under IC 11-13-4-3.
- (5) Act as compact administrator for probationers participating in the interstate compact on juveniles under IC 11-13-4-3.

**(6) Staff the justice reinvestment advisory council under IC 33-38-9.5.**

SECTION 17. IC 33-38-9.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

#### **Chapter 9.5. Justice Reinvestment Advisory Council**

**Sec. 1. The following definitions apply throughout this chapter:**

- (1) "Advisory council" means the justice reinvestment advisory council established by section 2 of this chapter.
- (2) "Board" means the board of directors of the judicial conference of Indiana, established by IC 33-38-9-3.
- (3) "Indiana judicial center" means the Indiana judicial center established under IC 33-38-9-4(b).

**Sec. 2. (a) The justice reinvestment advisory council is established. The advisory council consists of the following members:**

- (1) The executive director of the Indiana public defender



council or the executive director's designee.

(2) The executive director of the Indiana prosecuting attorneys council or the executive director's designee.

(3) The director of the division of mental health and addiction or the director's designee.

(4) The president of the Indiana sheriff's association or the president's designee.

(5) The commissioner of the Indiana department of correction or the commissioner's designee.

(6) The executive director of the Indiana judicial center or the executive director's designee.

(7) The executive director of the Indiana criminal justice institute or the executive director's designee.

(8) The president of the Indiana Association of Community Corrections Act Counties or the president's designee.

(9) The president of the Probation Officers Professional Association of Indiana or the president's designee.

(b) The executive director of the Indiana judicial center shall serve as chairperson of the advisory council.

(c) The purpose of the advisory council is to conduct a state level review and evaluation of:

(1) local corrections programs, including community corrections, county jails, and probation services; and

(2) the processes used by the department of correction and the division of mental health and addiction in awarding grants.

(d) The advisory council may make a recommendation to the department of correction, community corrections advisory boards, and the division of mental health and addiction concerning the award of grants.

(e) The Indiana judicial center shall staff the advisory council.

(f) The expenses of the advisory council shall be paid by the Indiana judicial center from funds appropriated to the Indiana judicial center for the administrative costs of the justice reinvestment advisory council.

(g) A member of the advisory council is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.



1       (h) The affirmative votes of a majority of the voting members  
2 appointed to the advisory council are required for the advisory  
3 council to take action on any measure.

4       (i) The advisory council shall meet as necessary to:

5           (1) review grants awarded by the department of correction  
6 and the division of mental health and addiction;

7           (2) provide feedback to the department of correction and the  
8 division of mental health and addiction concerning grants the  
9 council has awarded;

10          (3) suggest areas and programs in which the award of future  
11 grants might be beneficial; and

12          (4) review grant applications.

13       (j) The advisory council shall issue an annual report, before  
14 October 1 of each year, to the:

15           (1) legislative council;

16           (2) chief justice; and

17           (3) governor.

18       The report to the legislative council must be in an electronic format  
19 under IC 5-14-6.

20       (k) The report described in subsection (j) must include the  
21 following:

22           (1) The recidivism rate of persons participating in the  
23 program or treatment plan, including the recidivism rate  
24 (when available):

25               (A) while participating in the program or treatment plan;

26               (B) within six (6) months of completing the program or  
27 treatment plan;

28               (C) within one (1) year of completing the program or  
29 treatment plan;

30               (D) within two (2) years of completing the program or  
31 treatment plan; and

32               (E) within three (3) years of completing the program or  
33 treatment plan.

34           (2) The overall success and failure rate of a program and  
35 treatment plan and the measures used to determine the  
36 overall success and failure rate.

37           (3) The number of persons who complete or fail to complete  
38 a program or treatment plan, and, for persons who do not  
39 complete the plan, the reason that the person did not complete  
40 the plan, if available.

41           (4) The number of persons participating in the program or  
42 treatment plan and the duration of their participation.



- 1           (5) The number and percentage of persons able to obtain
- 2           employment after participating in the plan, the type of
- 3           employment obtained, the length of time required to obtain
- 4           employment, and, when available, the number of persons still
- 5           employed after six (6) months and after one (1) year.
- 6           (6) Other information relevant to the operation of the
- 7           program or treatment plan.
- 8           (l) This section expires July 1, 2017.
- 9           Sec. 3. The goal of the justice reinvestment advisory council is
- 10          to develop incarceration alternatives at the county and community
- 11          level by promoting the development of:
- 12           (1) probation services;
- 13           (2) problem solving courts;
- 14           (3) mental health treatment;
- 15           (4) substance abuse treatment;
- 16           (5) forensic diversion programs;
- 17           (6) community corrections; and
- 18           (7) other alternatives to incarceration.





## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1006, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, delete "Indiana judicial center, in consultation with the".

Page 1, line 8, after "corrections" insert **"programs and court supervised recidivism reduction"**.

Page 1, line 10, delete "Indiana judicial center or".

Page 1, line 11, reset in roman "department of correction".

Page 1, line 11, delete "Indiana judicial".

Page 1, line 12, delete "center,".

Page 1, line 15, reset in roman "department of correction".

Page 1, line 15, delete "Indiana judicial".

Page 2, line 1, delete "center".

Page 2, line 19, after "programs" insert **"and court supervised recidivism reduction programs"**.

Page 3, line 2, reset in roman "commissioner".

Page 3, line 2, delete "Indiana judicial center".

Page 3, line 3, after "corrections" insert **"and court supervised recidivism reduction program"**.

Page 3, between lines 5 and 6, begin a new paragraph and insert:

**"(d) Before the tenth day of each month, the department shall submit the following information to the budget committee with respect to the previous month:**

**(1) The number of persons committed to the department.**

**(2) The number of persons:**

**(A) confined in a department facility;**

**(B) participating in a community corrections program;**  
**and**

**(C) confined in a local jail under contract with or on behalf of the department.**

**(3) For each facility operated by the department:**

**(A) the number of beds in each facility;**

**(B) the number of inmates housed the facility;**

**(C) the highest felony classification of each inmate housed in the facility; and**

**(D) a list of all felonies for which persons housed in the facility have been sentenced.**

**The information shall be submitted in a form approved by the budget committee."**

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Page 3, delete lines 6 through 42.  
 Page 4, delete lines 1 through 6.  
 Page 4, line 9, delete "counties" and insert "counties, **or a court or a group of courts,**".  
 Page 4, line 10, reset in roman "commissioner".  
 Page 4, line 11, delete "Indiana judicial center".  
 Page 4, line 12, reset in roman "commissioner".  
 Page 4, line 12, delete "Indiana judicial center. The" and insert "**If the application is for a community corrections program, the**".  
 Page 4, line 15, after "council." insert "**If the application is for a court supervised recidivism reduction program, the application must include information required by the department.**".  
 Page 4, line 17, reset in roman "commissioner".  
 Page 4, line 17, delete "Indiana judicial center".  
 Page 4, line 25, reset in roman "department".  
 Page 4, line 40, strike "July 1, 2017," and insert "**January 1, 2016,**".  
 Page 5, line 14, delete "Indiana".  
 Page 5, line 15, delete "judicial center and the".  
 Page 5, line 18, delete "Indiana".  
 Page 5, line 19, delete "judicial center and".  
 Page 5, line 24, reset in roman "commissioner".  
 Page 5, delete line 25.  
 Page 5, line 28, reset in roman "department".  
 Page 5, line 28, delete "Indiana judicial center".  
 Page 5, line 31, reset in roman "department".  
 Page 5, line 31, delete "Indiana".  
 Page 5, line 32, delete "judicial center".  
 Page 5, line 34, reset in roman "commissioner".  
 Page 5, line 34, delete "Indiana judicial center".  
 Page 5, line 42, delete "Indiana judicial center in".  
 Page 6, line 1, delete "consultation with the".  
 Page 6, line 7, after "counties" insert "**and courts**".  
 Page 6, line 33, delete "the Indiana".  
 Page 6, line 34, delete "judicial center and the".  
 Page 6, line 36, reset in roman "commissioner".  
 Page 6, line 36, delete "Indiana judicial center".  
 Page 7, line 1, reset in roman "to".  
 Page 7, line 2, reset in roman "the department".  
 Page 7, line 6, delete "Indiana judicial center in consultation with the".  
 Page 7, line 11, reset in roman "commissioner".  
 Page 7, line 11, delete "Indiana judicial center".



Page 7, line 12, after "county" insert "**or court**".

Page 7, line 13, delete "plan." and insert "**plan or court supervised recidivism reduction program.**".

Page 7, delete lines 14 through 42.

Delete page 8.

Page 9, delete lines 1 through 10, begin a new paragraph and insert:

"SECTION 9. IC 35-38-3-3, AS AMENDED BY P.L.168-2014, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Except as provided by subsection (b), a person convicted of a misdemeanor may not be committed to the department of correction.

(b) Upon a request from the sheriff, the commissioner may agree to accept custody of a misdemeanant:

(1) if placement in the county jail:

(A) places the inmate in danger of serious bodily injury or death; or

(B) represents a substantial threat to the safety of others;

(2) for other good cause shown; or

(3) if a person has more than five hundred forty-seven (547) days remaining before the person's earliest release date as a result of consecutive misdemeanor sentences.

(c) After June 30, 2014, and before ~~July 1, 2015~~, **January 1, 2016**, a court may not commit a person convicted of a Level 6 felony to the department of correction if the person's earliest possible release date is less than ninety-one (91) days from the date of sentencing, unless the commitment is due to the person violating a condition of probation, parole, or community corrections by committing a new criminal offense.

(d) After ~~June 30, 2015~~, **January 1, 2016**, a court may not commit a person convicted of a Level 6 felony to the department of correction, ~~if the person's earliest possible release date is less than three hundred sixty-six (366) days from the date of sentencing~~, unless the commitment is due to the person violating a condition of probation, parole, or community corrections by committing a new criminal offense.

(e) After June 30, 2014, a sheriff is entitled to a per diem and medical expense reimbursement as described in P.L.205-2013, SECTION 4 for the cost of incarcerating a person described in subsections (c) and (d) in a county jail. The sheriff is entitled to a per diem and medical expense reimbursement only for the time that the person described in subsections (c) and (d) is incarcerated in the county jail. The reimbursement:



(1) shall be reviewed by the budget committee; and

(2) is subject to approval by the budget agency."

Page 9, delete lines 25 through 27.

Page 9, delete lines 32 through 36, begin a new paragraph and insert:

**"Sec. 1. The following definitions apply throughout this chapter:**

**(1) "Advisory council" means the justice reinvestment advisory council established by section 2 of this chapter.**

**(2) "Board" means the board of directors of the judicial conference of Indiana, established by IC 33-38-9-3.**

**(3) "Indiana judicial center" means the Indiana judicial center established under IC 33-38-9-4(b).**

**Sec. 2. (a) The justice reinvestment advisory council is established. The advisory council consists of the following members:**

**(1) The executive director of the Indiana public defender council or the executive director's designee.**

**(2) The executive director of the Indiana prosecuting attorneys council or the executive director's designee.**

**(3) The director of the division of mental health and addiction or the director's designee.**

**(4) The president of the Indiana sheriff's association or the president's designee.**

**(b) The executive director of the Indiana public defender council serves as chairperson of the advisory council in even-numbered years. The executive director of the Indiana prosecuting attorneys council serves as chairperson of the advisory council in odd-numbered years.**

**(c) The advisory council shall make a recommendation to the Indiana judicial center with respect to an application for a justice reinvestment community grant.**

**(d) The Indiana public defender council shall staff the advisory council in even-numbered years. The Indiana prosecuting attorneys council shall staff the advisory council in odd-numbered years.**

**(e) The expenses of the advisory council shall be paid by the Indiana judicial center from funds appropriated to the Indiana judicial center for the administrative costs of the justice reinvestment community grants program.**

**(f) A member of the advisory council is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling**



expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) The affirmative votes of a majority of the voting members appointed to the advisory council are required for the advisory council to take action on any measure.

(h) This section expires July 1, 2017."

Page 10, line 8, delete "county and local criminal justice organizations" and insert "courts and community corrections programs".

Page 10, line 9, delete "(b)." and insert "(b), if the application is approved by a majority of the circuit and superior courts in the county (if the applicant is a court), or by the community corrections advisory board in the county (if the applicant is a community corrections program)".

Page 10, line 9, after "The" insert "Indiana judicial center shall transmit a copy of all grant applications to the advisory council upon receipt. If the advisory council makes a recommendation concerning the awarding of a grant, the Indiana judicial center shall consider the recommendation in awarding a grant. The".

Page 10, between lines 18 and 19, begin a new line blocked left and insert:

"However, the Indiana judicial center may not award a grant for the construction, expansion, renovation, or maintenance of a facility, building, or structure."

Page 10, line 19, after "4." insert "(a)".

Page 10, between lines 27 and 28, begin a new paragraph and insert:

"(b) At least seventy-five percent (75%) of funding awarded under this chapter must be used to provide evidence-based treatment for mental health and addiction, directly to an individual."

Page 11, between lines 20 and 21, begin a new paragraph and insert:

"(e) The Indiana judicial center shall submit annually to the budget committee a report that includes:

- (1) a summary of data provided in subsections (b) and (c);
- (2) a summary of:
  - (A) the grants awarded under this chapter; and
  - (B) funding provided by the department of correction and under agencies under section 5(a) of this chapter;
- (3) a summary of the standards developed under section 4 of



**this chapter;**

**(4) a summary of the best practices approved by the Indiana judicial center under IC 11-12-2-5; and**

**(5) the balance of the funds in the justice reinvestment community grants account."**

Page 11, line 25, after "reduction." insert **"The judicial center may use not more than three-hundredths of one percent (0.03%) of the appropriation for the administrative costs incurred in administering the program."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1006 as introduced.)

STEUERWALD

Committee Vote: yeas 10, nays 0.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1006, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Page 10, between lines 8 and 9, begin a new paragraph and insert:

**"(c) As used in this section, "treatment for addiction" includes:**

**(1) addiction counseling;**

**(2) inpatient detoxification; and**

**(3) medication assisted treatment, including United States Food and Drug Administration approved long acting, nonaddictive medications for treatment of opioid and alcohol dependence.**

**(d) Mental health and addiction services funded under this chapter must be administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or substance abuse treatment. A certified provider may contract with other licensed professionals to provide additional services funded under this chapter.**

**(e) Cognitive behavioral interventions funded under this chapter**

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**must:**

- (1) be designed to reduce recidivism; and**
- (2) include cognitive restructuring, social skills, and problem solving."**

Page 11, delete lines 15 through 22.

and when so amended that said bill do pass.

(Reference is to HB 1006 as printed February 10, 2015.)

BROWN T

Committee Vote: yeas 18, nays 0.

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#### COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1006, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 19, after "housed" insert "**in**".

Page 7, line 10, delete "unless" and insert "unless:

**(1)".**

Page 7, line 13, delete "offense." and insert "offense; **or**

**(2) the person is convicted of:**

**(A) at least two (2) Level 6 felonies that are ordered to be served consecutively; or**

**(B) a Level 6 felony that is enhanced by an additional fixed term under IC 35-50-2-8 through IC 35-50-2-16;**

**and the person's earliest possible release date is more than three hundred sixty-five (365) days after the date of sentencing."**

Page 7, line 20, after "jail." insert "**The per diem amount may be used by the sheriff to fund mental health and substance abuse services and programs that are mutually agreed upon by the county fiscal body and the county sheriff for persons described in subsections (c) and (d)."**

Page 8, between lines 16 and 17, begin a new line block indented and insert:

**"(5) The commissioner of the Indiana department of correction or the commissioner's designee.**

**(6) The executive director of the Indiana judicial center or the executive director's designee.**

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**(7) The executive director of the Indiana criminal justice institute or the executive director's designee.**

**(8) The president of the Indiana Association of Community Corrections Act Counties or the president's designee.**

**(9) The president of the Probation Officers Professional Association of Indiana or the president's designee."**

Page 8, line 17, delete "public defender council" and insert "**judicial center shall serve**".

Page 8, line 18, delete "serves".

Page 8, line 18, delete "council in even-numbered" and insert "**council**".

Page 8, delete lines 19 through 21.

Page 8, line 25, delete "public defender council" and insert "**judicial center**".

Page 8, line 25, after "advisory" insert "**council**".

Page 8, delete lines 26 through 28.

Page 9, line 25, after "grant." insert "**If the Indiana judicial center does not follow the recommendation of the advisory council, the Indiana judicial center shall give the advisory council a written explanation of its reasons for not following the recommendation of the advisory council.**".

Page 9, between lines 37 and 38, begin a new paragraph and insert:

**"(d) The executive director of the Indiana judicial center may do the following:**

**(1) Visit and inspect any court or program receiving financial aid under this chapter.**

**(2) Require a participating county, court, or program to submit information or statistics pertinent to the review of applications and programs.**

**(3) Expend up to three percent (3%) of the money appropriated to the justice reinvestment community grants to provide technical assistance, consultation, and training to counties and to monitor and evaluate program delivery."**

Page 10, line 7, delete "for" and insert "**for:**

**(1)**".

Page 10, line 7, delete "addiction," and insert "**addiction; or**

**(2) cognitive behavior intervention;**".

Page 10, line 7, beginning with "directly" begin a new line blocked left.

Page 10, line 27, delete "(a) The Indiana judicial center shall monitor funding".

Page 10, delete lines 28 through 37.





Page 10, line 38, delete "(b)" and insert "(a)".

Page 10, line 38, delete "listed under subsection (a)," and insert **"funded under this chapter,"**.

Page 10, run in lines 27 through 38.

Page 11, line 4, delete "(c)" and insert "(b)".

Page 11, line 14, delete "(d)" and insert "(c)".

Page 11, line 14, delete "(b) and (c)" and insert **"(a) and (b)"**.

Page 11, line 15, after "to the" insert **"advisory council, the Indiana criminal justice institute, and the"**.

Page 11, line 18, delete "in an electronic format under IC 5-14-6".

Page 11, line 19, after "year." insert **"The report to the executive director of the legislative services agency must be submitted in an electronic format under IC 5-14-6."**

Page 11, line 20, delete "(e)" and insert "(d)".

Page 11, line 22, delete "(b) and (c);" and insert **"(a) and (b);"**.

Page 11, line 26, delete "under agencies" and insert **"any other agencies"**.

Page 11, line 26, delete "section 5(a) of".

Page 11, after line 32, begin a new paragraph and insert:

**"Sec. 6. (a) Every entity that receives a grant under this chapter shall submit a report at least one (1) time every six (6) months to the following:**

- (1) The legislative council.**
- (2) The Indiana criminal justice institute.**
- (3) The Indiana judicial center.**
- (4) The Indiana prosecuting attorneys council.**
- (5) The Indiana public defender commission.**
- (6) The budget committee.**
- (7) The office of management and budget, for placement in and analysis by the governor's management and performance hub.**

**(b) The report to the legislative council must be in an electronic format under IC 5-14-6.**

**(c) The first report of each year shall be submitted before July 1 of that year. The second report of each year shall be submitted before December 31 of that year.**

**(d) The report required by this section must include the following with respect to all programs and treatment plans funded directly or indirectly from a grant awarded under this section:**

- (1) The recidivism rate of persons participating in the program or treatment plan, including the recidivism rate (when available):**



- (A) while participating in the program or treatment plan;
  - (B) within six (6) months of completing the program or treatment plan;
  - (C) within one (1) year of completing the program or treatment plan;
  - (D) within two (2) years of completing the program or treatment plan; and
  - (E) within three (3) years of completing the program or treatment plan.
- (2) The overall success and failure rate of a program and treatment plan and the measures used to determine the overall success and failure rate.
- (3) The number of persons who complete or fail to complete a program or treatment plan, and, for persons who do not complete the plan, the reason that the person did not complete the plan, if available.
- (4) The number of persons participating in the program or treatment plan and the duration of their participation.
- (5) The number and percentage of persons able to obtain employment after participating in the plan, the type of employment obtained, the length of time required to obtain employment, and, when available, the number of persons still employed after six (6) months and after one (1) year.
- (6) Other information relevant to the operation of the program or treatment plan."

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to HB 1006 as printed February 17, 2015.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 0.



## COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill No. 1006, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 6, after "disabilities." insert **"Grants awarded under this chapter must focus on funding evidence based programs, including programs that address cognitive behavior, that have as a primary goal the purpose of reforming offenders. Review of a grant application by the justice reinvestment advisory council is not required to receive a grant under this section."**

Page 3, line 8, delete "submit" and insert **"compile"**.

Page 3, line 8, delete "to the budget committee".

Page 3, delete lines 24 through 25, begin a new paragraph and insert:

**"(e) The department shall:**

**(1) quarterly submit a report to the budget committee; and**

**(2) monthly submit a report to the justice reinvestment advisory council (as established in IC 33-38-9.5-2);**

**of the information compiled by the department under subsection (d). The report to the budget committee must be submitted in a form approved by the budget committee, and the report to the advisory council must be in a form approved by the advisory council.**

SECTION 2. IC 11-12-2-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3.5. (a) The **community corrections advisory board shall appoint a** director if ~~any of the community corrections program, shall be appointed by the community corrections advisory board;~~ subject to the approval of the county executive or, in a county having a consolidated city, by the city-county council. A director may be removed for cause by a majority vote of the community corrections advisory board, subject to the approval of the county executive or, in a county having a consolidated city, of the city-county council.

(b) The community corrections advisory board may establish personnel policies, procedures, and salary classification schedules for its employees. Employees of a community corrections program are county employees. The policies, procedures, and schedules established under this subsection may not be inconsistent with those established for other county employees."

Page 3, line 30, after "commissioner" insert **"through the**

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**community corrections advisory board,".**

Page 3, line 37, after "may" insert **"apply for financial aid, except by applying through a community corrections advisory board, or".**

Page 5, between lines 13 and 14, begin a new paragraph and insert:

**"(g) Purposes for which the commissioner may award financial aid under this chapter include:**

- (1) assisting a county in defraying the expenses of incarceration;**
- (2) funding mental health, addiction, and cognitive behavior treatment programs for incarcerated persons;**
- (3) funding mental health, addiction, and cognitive behavior treatment programs for persons who are on probation or are supervised by a community corrections program;**
- (4) funding work release programs; and**
- (5) reimbursing a county for probation officer and community correction officer salaries."**

Page 6, between lines 26 and 27, begin a new paragraph and insert:

**"SECTION 6. IC 11-12-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) Counties may not use funds received under this chapter to construct or renovate county jails.**

**(b) Counties acting jointly may use funds received under this chapter to pay per diem housing and medical expenses for offenders supervised by the sheriff, to reimburse the county for the costs of probation officer and community corrections officer and employee salaries, and to construct a county operated residential work release facility, if the facility is not**

**(1) physically connected to a jail; or**

**(2) used to house offenders who are required to serve their sentence in a county jail.**

**(c) The department may provide funds under this chapter for the construction of a facility under subsection (b) in an amount that does not exceed fifty percent (50%) of the cost of construction of the facility. The funds provided under this subsection may not be used for any purpose other than the construction of the facility.**

**(d) The counties acting under subsection (b) shall provide the funds required for:**

- (1) the construction of the facility in addition to the funds provided by the department under subsection (c);**
- (2) the operation of the facility; and**
- (3) the administration of the community corrections program.**

**(e) A residential work release facility constructed under subsection**



(b) may not be used for any purpose other than the operation of a community corrections program during the ten (10) year period following the completion of construction.

**(f) A residential work release facility may be physically connected to a jail if the following conditions are met:**

**(1) Total separation between community corrections and jail facility spatial areas so that there could be no haphazard or accidental contact among community corrections work release residents and jail inmates in the respective facilities. If space is used for both community corrections work release residents and jail inmates, time-phasing of the use is acceptable if the arrangement precludes haphazard or accidental contact among community corrections residents and jail inmates at all times. Sleeping or other living areas may not be shared under any circumstances.**

**(2) Total separation in all community corrections work release and jail inmate program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping, and general living activities. Program activities may not be shared by community corrections work release residents and jail inmates. However, program space, equipment, and other resources may be used by both community corrections work release residents and jail inmates subject to subdivision (1).**

**(3) The administration and security functions of the community corrections work release program must be vested in separate staff who, if the staff serve both populations, are trained to serve a community corrections work release population. Security and other direct care staff may not be used to serve the jail at the same time or during the same tour of duty that security and other direct care staff serve in the community corrections work release facility. Specialized services staff, such as cooks, bookkeepers, and medical professionals who are not normally in contact with detainees or whose infrequent contact occurs under conditions of separation of community corrections work release residents and jail inmates, may serve both populations.**

**(4) The facility meets state standards and licensing requirements as provided in rules adopted by the department of correction. The architectural and operational configuration of the community corrections work release facility must assure total separation.**



SECTION 7. IC 11-12-3.8-4 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 4: (a) As used in this section, "account" refers to the mental health and addiction forensic treatment services account established in subsection (b):

(b) The mental health and addiction forensic treatment services account is established for the purpose of providing grants or vouchers for the provision of mental health and addiction forensic treatment services. The account shall be administered by the division of mental health and addiction. Money in the account shall be used to fund grants and vouchers under this chapter:

(c) The account consists of:

- (1) appropriations made by the general assembly;
- (2) grants; and
- (3) gifts and bequests.

(d) The expenses of administering the account shall be paid from money in the account.

(e) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(f) Money in the account at the end of a state fiscal year does not revert to the state general fund.

SECTION 8. IC 11-12-6 IS REPEALED [EFFECTIVE JULY 1, 2015]. (County Corrections Fund).

SECTION 9. IC 11-13-1-8, AS AMENDED BY P.L.147-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) As used in this section, "board" refers to the board of directors of the judicial conference of Indiana established by IC 33-38-9-3.

(b) The board shall adopt rules consistent with this chapter, prescribing minimum standards concerning:

- (1) educational and occupational qualifications for employment as a probation officer;
- (2) compensation of probation officers;
- (3) protection of probation records and disclosure of information contained in those records;
- (4) presentence investigation reports;
- (5) a schedule of progressive probation incentives and violation sanctions, including judicial review procedures; and
- (6) qualifications for probation officers to administer probation violation sanctions under IC 35-38-2-3(e).

(c) The conference shall prepare a written examination to be used



in establishing lists of persons eligible for appointment as probation officers. The conference shall prescribe the qualifications for entrance to the examination and establish a minimum passing score and rules for the administration of the examination after obtaining recommendations on these matters from the probation standards and practices advisory committee. The examination must be offered at least once every other month.

(d) The conference shall, by its rules, establish an effective date for the minimum standards and written examination for probation officers.

(e) The conference shall provide probation departments with training and technical assistance for:

- (1) the implementation and management of probation case classification; and
- (2) the development and use of workload information.

The staff of the Indiana judicial center may include a probation case management coordinator and probation case management assistant.

(f) The conference shall, in cooperation with the department of child services and the department of education, provide probation departments with training and technical assistance relating to special education services and programs that may be available for delinquent children or children in need of services. The subjects addressed by the training and technical assistance must include the following:

- (1) Eligibility standards.
- (2) Testing requirements and procedures.
- (3) Procedures and requirements for placement in programs provided by school corporations or special education cooperatives under IC 20-35-5.
- (4) Procedures and requirements for placement in residential special education institutions or facilities under IC 20-35-6-2 and 511 IAC 7-27-12.
- (5) Development and implementation of individual education programs for eligible children in:
  - (A) accordance with applicable requirements of state and federal laws and rules; and
  - (B) coordination with:
    - (i) individual case plans; and
    - (ii) informal adjustment programs or dispositional decrees entered by courts having juvenile jurisdiction under IC 31-34 and IC 31-37.
- (6) Sources of federal, state, and local funding that is or may be available to support special education programs for children for whom proceedings have been initiated under IC 31-34 and



IC 31-37.

Training for probation departments may be provided jointly with training provided to child welfare caseworkers relating to the same subject matter.

(g) The conference shall, in cooperation with the division of mental health and addiction (IC 12-21) and the division of disability and rehabilitative services (IC 12-9-1), provide probation departments with training and technical assistance concerning mental illness, addictive disorders, mental retardation, and developmental disabilities, **including evidence based treatment programs for mental illness and addictive disorders.**

(h) The conference shall make recommendations to courts and probation departments concerning:

- (1) selection, training, distribution, and removal of probation officers;
- (2) methods and procedure for the administration of probation, including investigation, supervision, workloads, record keeping, and reporting; and
- (3) use of citizen volunteers and public and private agencies.

(i) The conference may delegate any of the functions described in this section to the advisory committee or the Indiana judicial center.

SECTION 10. IC 11-13-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. The judicial conference of Indiana may arrange conferences or workshops for probation officers and judges administering probation in order to enhance knowledge about and improve the delivery of probation services. **The judicial conference of Indiana may arrange joint conferences or workshops for probation officers, judges administering probation, and community corrections officers and employees in order to enhance knowledge about, coordinate, and improve the delivery of probation and community corrections services.** The expenses of probation officers and judges incurred in attending these conferences or workshops shall be paid in the same manner as other expenses are paid in the courts in which they serve. **The expenses of community corrections community corrections officers and employees may be paid by the county in the same manner as other county employee expenses are paid.**

SECTION 11. IC 12-23-19 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

**Chapter 19. Mental Health and Addiction Forensic Treatment Services Grants**

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**Sec. 1. As used in this chapter, "mental health and addiction forensic treatment services" means evidence based treatment and recovery wraparound support services provided to individuals who have entered the criminal justice system as a felon or with a prior felony conviction or who have been placed or are eligible to be placed in a community corrections program as an alternative to commitment to the department of correction. The term includes:**

- (1) mental health and substance abuse treatment, including:**
  - (A) addiction counseling;**
  - (B) inpatient detoxification; and**
  - (C) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence;**
- (2) vocational services;**
- (3) housing assistance;**
- (4) community support services;**
- (5) care coordination; and**
- (6) transportation assistance.**

**Sec. 2. (a) An individual is eligible for mental health and addiction forensic treatment services if:**

- (1) the individual:**
  - (A) is a member of a household with an annual income that does not exceed two hundred percent (200%) of the federal income poverty level;**
  - (B) is a resident of Indiana;**
  - (C) is at least eighteen (18) years of age; and**
  - (D) has entered the criminal justice system as a felon or with a prior felony conviction; and**
- (2) subject to subsection (b), reimbursement for the service is not available to the individual through any of the following:**
  - (A) A policy of accident and sickness insurance (IC 27-8-5).**
  - (B) A health maintenance organization contract (IC 27-13).**
  - (C) The Medicaid program (IC 12-15).**
  - (D) The federal Medicare program or any other federal assistance program.**

**(b) If an individual is not entitled to reimbursement from the sources described in subsection (a)(2) of the full amount of the cost of the mental health forensic treatment services, grants and vouchers under this chapter may be used to provide those services to the extent that the costs of those services exceed the reimbursement the individual is entitled to receive from the**



sources described in subsection (a)(2), excluding any copayment or deductible that the individual is required to pay.

(c) The division shall determine the extent to which an individual who is provided mental health forensic treatment services under this chapter is entitled to receive reimbursement from the sources described in subsection (a)(2).

**Sec. 3. Mental health and addiction forensic treatment services may be administered or coordinated only by a provider certified by the division of mental health and addiction.**

**Sec. 4. (a) The following definitions apply throughout this section:**

(1) "Account" refers to the mental health and addiction forensic treatment services account established by subsection (b).

(2) "Treatment for addiction" includes:

(A) addiction counseling;

(B) inpatient detoxification; and

(C) medication assisted treatment, including United States Food and Drug Administration approved long acting, nonaddictive medications for treatment of opioid and alcohol dependence.

(b) The mental health and addiction forensic treatment services account is established for the purpose of providing grants or vouchers for the provision of mental health and addiction forensic treatment services. The account shall be administered by the division. The division may use money in the account only to fund grants and vouchers under this chapter that are provided to the following:

(1) Community corrections programs.

(2) Court administered programs.

(3) Probation programs.

(4) Community mental health centers.

(5) Certified or licensed mental health or addiction providers.

Grants and vouchers must provide for individual assessments and treatment programs, including intervention, evidence based programs, and other programs that address cognitive behavior. Funding must be focused on reforming offenders.

(c) The division shall give priority in awarding funding to programs that provide evidence based treatment for:

(1) mental health and addiction; or

(2) cognitive behavior intervention;

directly to an individual.



(d) Mental health and addiction services funded under this section must be administered or coordinated by a provider certified or licensed by the division of mental health and addiction to provide mental health or substance abuse treatment. A certified or licensed provider may contract with other licensed professionals to provide additional services funded under this section.

(e) Cognitive behavioral interventions funded under this section must:

- (1) be designed to reduce recidivism; and
- (2) include cognitive restructuring, social skills, and problem solving.

(f) The account consists of:

- (1) appropriations made by the general assembly;
- (2) grants; and
- (3) gifts and bequests.

(g) The expenses of administering the account shall be paid from money in the account.

(h) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(i) Money in the account at the end of a state fiscal year does not revert to the state general fund.

**Sec. 5.** In the case of an individual who is provided mental health forensic treatment services under this chapter, the division is subrogated to the rights of the individual under any policy, contract, or program described in section 2(a)(2) of this chapter with respect to reimbursement under the policy, contract, or program for mental health forensic treatment services.

**Sec. 6.** The division shall survey individuals receiving mental health forensic treatment services under this chapter. The division shall survey such an individual one (1) year after the individual begins receiving the services. The survey must request information concerning:

- (1) the employment status of the individual since the individual began receiving the services; and
- (2) whether the individual has been arrested, convicted of a crime, alleged to have violated probation, or placed in a community corrections program as an alternative to commitment to the department of correction since the individual began receiving the services.

**Sec. 7.** During the year after an individual begins receiving



mental health forensic treatment services under this chapter, the division shall work jointly with the department of workforce development to coordinate employment and training services for the individual.

**Sec. 8. The division shall semiannually submit a report to the justice reinvestment advisory council (as established in IC 33-38-9.5-2), in a manner and format approved by the advisory council. The report must include the following information for the previous six (6) months:**

- (1) The amount of grants and vouchers paid from the account.**
- (2) A list of all entities that received a grant, the amount of the grant, and a brief description of the purpose of the grant.**
- (3) The number of people who received treatment funded, in whole or in part, by a grant.**

SECTION 12. IC 33-23-16-22, AS ADDED BY P.L.108-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 22. (a) The costs of a problem solving court may, at the discretion of the fiscal body of the unit, be supplemented out of the city general fund or the county general fund and may be further supplemented by payment from the user fee fund upon appropriation made under IC 33-37-8.

(b) A problem solving court may apply for and receive the following:

- (1) Gifts, bequests, and donations from private sources.
- (2) Grants and contract money from governmental sources.
- (3) Other forms of financial assistance approved by the court to supplement the problem solving court's budget.

**(c) A court wishing to establish a problem solving court, including a veterans court, may apply to the judicial center for financial assistance. The judicial center may provide financial aid to establish the court from funds appropriated to the judicial center for that purpose.**

SECTION 13. IC 35-38-1-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8.5. (a) A probation officer who is conducting a presentence investigation shall send written notification of the following to each victim or each victim representative designated by the court under section 2(e) of this chapter:

- (1) The date, time, and place of the sentencing hearing set by the court.
- (2) The right of the victim or victim representative to make an oral or written statement to the court at the sentencing hearing.



(3) The right of the victim or victim representative to submit or refuse to submit to the probation officer a written or oral statement of the impact of the crime upon the victim for inclusion by the probation officer in a victim impact statement.

(b) The notification required by subsection (a) must be sent at least seven (7) days before the date of the sentencing hearing to the last known address of the victim or the victim representative.

(c) The probation officer shall prepare a victim impact statement for inclusion in the convicted person's presentence report. The victim impact statement consists of information about each victim and the consequences suffered by a victim or a victim's family as a result of the crime.

**(d) The probation officer shall consult with a community corrections program officer or employee (if there is a community corrections program in the county) while preparing the presentence report.**

~~(d)~~ (e) Unless the probation officer certifies to the court under section 9 of this chapter that a victim or victim representative could not be contacted or elected not to submit a statement to the probation officer concerning the crime, the victim impact statement required under this section must include the following information about each victim:

- (1) A summary of the financial, emotional, and physical effects of the crime on the victim and the victim's family.
- (2) Personal information concerning the victim, excluding telephone numbers, place of employment, and residential address.
- (3) Any written statements submitted by a victim or victim representative to the probation officer.
- (4) If the victim desires restitution, the basis and amount of a request for victim restitution.

~~(e)~~ (f) A victim or victim representative is not required to submit a statement or to cooperate in the preparation of the victim impact statement required under this section.

SECTION 14. IC 35-38-2.6-3, AS AMENDED BY P.L.173-2006, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The court may, at the time of sentencing, suspend the sentence and order a person to be placed in a community corrections program as an alternative to commitment to the department of correction. The court may impose reasonable terms on the placement **or require the director of the community corrections program to impose reasonable terms on the placement.** A court shall require a person:



- (1) convicted of an offense described in IC 10-13-6-10;
  - (2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and
  - (3) whose sentence does not involve a commitment to the department of correction;
- to provide a DNA sample as a term of placement.

(b) Placement in a community corrections program under this chapter is subject to the availability of residential beds or home detention units in a community corrections program.

(c) A person placed under this chapter is responsible for the person's own medical care while in the placement program.

(d) Placement under this chapter is subject to the community corrections program receiving a written presentence report or memorandum from a county probation agency.

SECTION 15. IC 35-38-2.6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. If a person who is placed under this chapter violates the terms of the placement, the **community corrections director** may ~~after a hearing~~ do any of the following:

- (1) Change the terms of the placement.
- (2) Continue the placement.
- (3) Reassign a person assigned to a specific community corrections program to a different community corrections program.**
- ~~(3)~~ **(4) Request that the court** revoke the placement and commit the person to the **county jail or** department of correction for the remainder of the person's sentence.

**The community corrections director shall notify the court if the director changes the terms of the placement, continues the placement, or reassigns the person to a different program."**

Page 7, line 7, delete "January 1, 2016," and insert "**December 31, 2015,**".

Page 7, between lines 21 and 22, begin a new line blocked left and insert:

**"A person who may not be committed to the department of correction may be placed on probation, committed to the county jail, or placed in community corrections for assignment to an appropriate community corrections program."**

Page 7, line 22, after "2014," insert "**and before January 1, 2016,**".

Page 7, line 28, delete "The per diem amount may be used by the sheriff to fund".

Page 7, delete lines 29 through 30.



Page 7, line 31, delete "sheriff for persons described in subsections (c) and (d).".

Page 7, between lines 34 and 35, begin a new paragraph and insert:

**"(f) After December 31, 2015, a sheriff is entitled to a per diem and medical expense reimbursement in the form of a grant from community corrections for the cost of incarcerating a person described in subsections (c) and (d) in a county jail. The sheriff is entitled to a per diem and medical expense reimbursement only for the time that the person described in subsections (c) and (d) is incarcerated in the county jail."**

Page 8, line 5, delete "Develop and administer" and insert "Staff".

Page 8, line 6, delete "community grants program" and insert **"advisory council"**.

Page 8, line 10, delete "Community Grants Program" and insert **"Advisory Council"**.

Page 8, between lines 40 and 41, begin a new paragraph and insert:

**"(c) The purpose of the advisory council is to conduct a state level review and evaluation of:**

- (1) local corrections programs, including community corrections, county jails, and probation services; and**
- (2) the processes used by the department of correction and the division of mental health and addiction in awarding grants."**

Page 8, line 41, delete "(c)" and insert **"(d)"**.

Page 8, line 41, delete "shall" and insert **"may"**.

Page 8, delete line 42 and insert **"department of correction, community corrections advisory boards, and the division of mental health and addiction concerning the award of grants."**

Page 9, delete line 1.

Page 9, line 2, delete "(d)" and insert **"(e)"**.

Page 9, line 3, delete "(e)" and insert **"(f)"**.

Page 9, line 7, delete "(f)" and insert **"(g)"**.

Page 9, line 15, delete "(g)" and insert **"(h)"**.

Page 9, between lines 17 and 18, begin a new paragraph and insert:

**"(i) The advisory council shall meet as necessary to:**

- (1) review grants awarded by the department of correction and the division of mental health and addiction;**
- (2) provide feedback to the department of correction and the division of mental health and addiction concerning grants the council has awarded;**
- (3) suggest areas and programs in which the award of future grants might be beneficial; and**
- (4) review grant applications.**



(j) The advisory council shall issue an annual report, before October 1 of each year, to the:

- (1) legislative council;
- (2) chief justice; and
- (3) governor.

The report to the legislative council must be in an electronic format under IC 5-14-6.

(k) The report described in subsection (j) must include the following:

- (1) The recidivism rate of persons participating in the program or treatment plan, including the recidivism rate (when available):
  - (A) while participating in the program or treatment plan;
  - (B) within six (6) months of completing the program or treatment plan;
  - (C) within one (1) year of completing the program or treatment plan;
  - (D) within two (2) years of completing the program or treatment plan; and
  - (E) within three (3) years of completing the program or treatment plan.
- (2) The overall success and failure rate of a program and treatment plan and the measures used to determine the overall success and failure rate.
- (3) The number of persons who complete or fail to complete a program or treatment plan, and, for persons who do not complete the plan, the reason that the person did not complete the plan, if available.
- (4) The number of persons participating in the program or treatment plan and the duration of their participation.
- (5) The number and percentage of persons able to obtain employment after participating in the plan, the type of employment obtained, the length of time required to obtain employment, and, when available, the number of persons still employed after six (6) months and after one (1) year.
- (6) Other information relevant to the operation of the program or treatment plan."

Page 9, line 18, delete "(h)" and insert "(I)".

Page 9, line 19, delete "(a) The Indiana judicial center shall develop and".

Page 9, delete line 20.

Page 9, line 21, delete "(b)".





Page 9, line 21, delete "community grants" and insert "**advisory council**".

Page 9, run in lines 19 through 21.

Page 9, line 22, delete "program".

Page 9, line 23, delete "through grants".

Page 9, delete lines 31 through 42.

Delete pages 10 through 13.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to EHB 1006 as printed March 20, 2015.)

KENLEY, Chairperson

Committee Vote: Yeas 11, Nays 0.

